

AMENDMENT NO. \_\_\_\_\_

\_\_\_\_\_  
Signature of Sponsor

**AMEND Senate Bill No. 3278**

**House Bill No. 3295\***

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

by adding subsection (f) to Section 5 as follows:

(f)(1) Notwithstanding any other provision of this act or any other law to the contrary, registered voters residing in a territory to be annexed shall have the right to choose by election, which municipality may annex said territory in the case where two (2) or more municipalities having municipal limits within three (3) miles of such territory desire to annex the territory. A municipality may indicate its desire to annex a territory by enacting a first reading of an annexation ordinance and by notifying both the county legislative body and any other municipality desiring to annex the territory in writing that it disputes the established urban growth boundaries or planned growth areas encompassing the territory of concern, and that it otherwise desires to annex the territory. The determination as to which municipality shall be able to annex the disputed territory shall be resolved by the registered voters who reside in such territory.

(2) Within forty-five (45) days of a receipt of a petition by the county election commission requesting a vote to determine which municipality may annex the territory, the county election commission shall hold an election thereon, providing options to vote "For" any one of the named municipalities desiring to annex the territory. The petition shall be signed by seventy-five (75) registered voters or 10% of the registered voters residing in the territory, whichever is less or the mayor of any municipality desiring to annex the territory. A vote "For" a municipality by a majority of the registered voters voting in the election shall be a vote "For" annexation by that municipality.

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(3) If there are more than two (2) municipalities desiring to annex the same territory and a majority of registered voters voting in the election as to the question is not obtained by any municipality, the election commission shall hold a second election within forty-five (45) days after the first election as to the same question pertaining only to the two (2) municipalities receiving the highest number of votes.

(4) The filing of a petition with the county election commission shall stay any annexation ordinance not operative as of the petition filing date.

(5) The territory shall be considered within the urban growth boundary of the municipality receiving the majority of votes in such election.

(6) The election shall be at the expense of the prevailing municipality.

(7) This subsection (f) shall not affect a party's right to file a quo warranto action challenging the annexation within the provisions of Title 6, Chapter 51 and subsections (a)(1), (a)(2), and (b) of Section 12.

(8) The prevailing municipality shall duly pass an annexation ordinance encompassing such territory within ninety (90) days of the last election or shall not be able to annex such territory for at least thirty-six (36) months from the election, during which time the other municipalities shall be able to annex said territory pursuant to the provisions of this act and other law.

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